

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CRISTAL HERNANDEZ,

Plaintiff,

-vs-

Case No. 13-C-366

LA FUENTE Ltd., et al.,

Defendants.

DECISION AND ORDER

This matter comes before the Court on the parties' joint motion for approval of class and collective action settlement. This motion [ECF No. 84] is **GRANTED**.

IT IS HEREBY ORDERED as follows:

1. The Settlement Agreement [ECF No. 84-1] is preliminarily approved as fair, reasonable, and adequate;
2. This matter is certified as a class action under Fed. R. Civ. P. 23;
3. Cristal Hernandez is appointed as Class Representative;
4. Hawks Quindel, S.C. is appointed as Class Counsel pursuant to Fed. R. Civ. P. 23(g);
5. The Notice of the form of Exhibit B to the Settlement Agreement [ECF No. 84-3] is approved for distribution to all Class Members. The provision of Notice by mail constitutes valid, due, and sufficient notice to Class Members. The parties should correct the following errors in the Notice: on page three, under the section "Do

I have a lawyer in this case?”, the second sentence should read “They can be *contacted* at.”; also, under the section “When is the Fairness Hearing?”, the hearing will take place in Room 320, not Room 310;

6. Class Counsel must mail the Notice to the Class Members within **seven (7) days** of the date of this Order;

7. The letter regarding settlement to current La Fuente servers in the form of Exhibit C to the Settlement Agreement [ECF No. 84-4] is approved;

8. Individuals who wish to exclude themselves must opt-out per the instructions set forth in the Notice within **sixty (60) days** of the mailing of the Notice;

9. Any individual who does not exclude themselves shall be bound by the Court’s Order Finally Approving the Settlement;

10. A fairness hearing is scheduled for **October 15, 2014 at 11:00 a.m. (CST)**

11. Class Counsel shall file a Motion for Approval of Attorneys’ Fees and Costs at least **twenty-one (21) days** prior to the Fairness Hearing. Any supplemental brief in support of final approval of the Settlement Agreement or in response to any objections to the application for attorneys’ fees shall be filed at least **seven (7) days** before the Fairness Hearing. The Court shall determine at the Fairness Hearing in what amount attorneys’ fees and reimbursement of costs and expenses should be awarded to Class Counsel; and

12. Any Class Member who wishes to object in any way to the proposed

Settlement Agreement must file and serve such written objections per the instructions set forth in the Notice no later than **sixty (60)** days after the mailing of the Notice, together with copies of all papers in support of his or her position. The Class Notice shall state that the Court will not consider objections of any Class Member who has not properly served copies of his or her objections on a timely basis.

Dated at Milwaukee, Wisconsin, this 15th day of July, 2014.

SO ORDERED:


HON. RUDOLPH T. RANDA
U.S. District Judge